

Application No. 10/608,995
Filed: June 27, 2003
TC Art Unit: 3679
Confirmation No.: 6412

REMARKS

In the most recent office action, claims 1, 4-23, 26 and 39-50 were examined. Claims 1, 4-23, 26 and 39-50 are rejected.

In response, claims 1, 8, 16-17, 20 and 26 are amended. Accordingly, claims 1, 4-23, 26 and 39-50 remain pending in the application. No new matter is added.

Applicant thanks the Examiner for the thorough search and consideration of the subject matter recited in the claims of the present application, and responds to the comments in the office action as follows.

Claim Rejections - 35 U.S.C. § 112

The office action states that claim 8 is rejected under 35 U.S.C. § 112, 2d paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. In particular, the office action states that the phrase "and/or" renders claim 8 indefinite. Applicant respectfully traverses the rejection.

Claim 8 is amended to obviate the rejection. Applicant respectfully submits that claim 8 now recites the subject matter of the present invention with a reasonable degree of certainty to apprise one of ordinary skill in the art of the scope of the claimed subject matter. Applicant therefore respectfully requests that the rejection of claim 8 under 35 U.S.C. § 112, 2d paragraph, be reconsidered and withdrawn.

Claim Rejections - 35 U.S.C. § 102

The office action states that claims 1, 4-9, 11-22, 26 and 39-50 are rejected under 35 U.S.C. § 102(b) as being anticipated

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by Condon (U.S. Patent No. 3,235,293). In particular, the office action states that Condon discloses each and every element recited in the rejected claims. The rejection is respectfully traversed.

Applicant has amended independent claims 1, 16-17, 20 and 26 to recite that one of the pipe elements in the assembly of a pipe coupling is a sheet metal pipe element. The disclosure by Condon fails to teach this element. The element is recited in the application as originally filed (Page 1, lines 11-17). Accordingly, the disclosure by Condon does not teach and every element recited in the claims. Consequently, the rejection of claims 1, 4-9, 11-22, 26 and 39-50 under 35 U.S.C. § 102(b) as anticipated by Condon should be overcome, and applicant respectfully requests that it be reconsidered and withdrawn.

Claim Rejections - 35 U.S.C. § 103

The office action states that claims 10 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Condon. In particular, the office action states that Condon discloses all of the elements of claims 10 and 23, with the exception of a plurality of first and second coupling means spaced along a circumference of the coupling ring, and two semi-circular coupling means, respectively, which are considered obvious modifications. Applicant respectfully traverses the rejection.

The position taken in the office action relies on a finding of obviousness for formerly integral structures deconstructed into various elements. However, claims 10 and 23 do not recite deconstructed structures that in the aggregate can be used in place of an integral structure. That is, the position taken in the office action can only be supported if an integral structure

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substitute could be formed from various elements in the aggregate. Instead, while the disclosure by Condon appears to teach a circumferentially unbroken coupling member, the invention recited in claims 10 and 23 calls for coupling means that are spaced or semi-circular arcs that form incomplete circles. Accordingly, the limitations recited claims 10 and 23, even when considered in the aggregate, still do not form the circumferentially complete coupling member apparently disclosed by Condon.

In addition, applicant notes that the circumferentially complete coupling member apparently taught by Condon is disposed for the purpose of providing a seal in conjunction with a ring member that clamps over the coupling member. In the present invention, recited in claims 10 and 23, the various coupling means fail to form unbroken circular seals, and therefore are unsuitable for use as a seal, contrary to the apparent teachings of Condon. Accordingly, applicant respectfully submits that it would not be obvious to one of ordinary skill in the art to arrive at the invention recited in claims 10 and 23, notwithstanding the content of the disclosure by Condon and knowledge generally available to one of ordinary skill in the art. Applicant thus respectfully submits that the rejection of claims 10 and 23 under 35 U.S.C. § 103(a) is overcome, and respectfully requests that it be reconsidered and withdrawn.

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Conclusion

In view of the above amendments and discussion, applicant respectfully submits that the application is now in condition for allowance, and earnestly solicits notice to that effect. The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite prosecution of the present application.

Respectfully submitted,

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